**HON'BLE SRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 26479 of 2001**

**Dated 14th June, 2007**

Between

M/s.Techno Printers,
Vani Sadan, Barkatpura, Hyderabad,
Rep. By its Sole Proprietor D.Narsimha Rao

…Petitioner

and

Regional Director, National Open School,
H.No.17-26, Sri Nagar Colony, Hyderabad
And anr

…Respondents.

**HONOURABLE SRI JUSTICKE R.SUBHASH REDDY**

**WRIT PETITION No.26479 of 2001**

**ORDER:**

This Writ Petition is filed seeking Writ of Mandamus to direct the respondents to pay an amount of Rs.88,716/- along with interest at the rate of 24% to the petitioner.

The respondent-National Open School placed orders with the petitioner for printing of books. Time to time, purchase orders were placed by the respondents and to some extent, bills were paid to the petitioner. However, it is the case of the petitioner that still an amount of Rs.88,716/- is payable on account of printing the books undertook by it.

Counter affidavit is filed on behalf of the respondents. The claim of the petitioner is disputed mainly on the ground that the charges were claimed for four page plate making printing, eight page binding and other items which were not in consonance with the rates communicated and approved by the respondents-National Open School. It is further stated that in some bills raised by the petitioner, the cost of paper which the petitioner had used from its own stock is highly inflated. It is further stated that When there was an offer from the respondents to replace the paper used by the petitioner from its stock with the paper supplied by the respondents, the same was rejected by the petitioner. In the counter affidavit, it is clearly stated that an amount of Rs.14,201-46 NP is due to the petitioner and the petitioner refused to accept the said amount.

In view of the stand taken by the respondents disputing the claim of the petitioner, serious factual disputes arise for consideration, as to whether the petitioner printed and supplied the books as per the agreed terms or not; whether the petitioner claimed the bills as per the rates approved or not, whether required quality and quantity of material was used or not, etc. In absence of recording any evidence, it is not possible to decide the factual disputes that arise for consideration in this petition filed under Article 226 of the Constitution of India. But, however, as much as there is no dispute to the extent of amount of Rs.14,201.46 NP, I dispose of the Writ Petition directing the respondents to pay the said amount to the petitioner. But however, with regard to the balance amount claimed by the petitioner, it is open for the petitioner to initiate appropriate civil proceedings.

Subject to the above direction, the Writ Petition is disposed of.

No order as to costs.

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*JUSTICE R. SUBHASH REDDY*

DATED: 14-06-2007.
Msnr.